

REMARKS/ARGUMENTS

Claims 1, 7-9, 17-19, 29-35 and 38-39 are pending.

Claims 1, 7-9, 17-19, 29-30, 32-35 and 38-39 are currently amended.

Claims 41-45 are added.

Support for the amendment to Claim 1 is found at page 11, lines 10-25 of the original specification.

Support for Claim 18 is found at page 21, lines 15-19.

Support for Claim 19 is found at page 21, lines 15-19 and at page 17, lines 1-22.

Support for Claim 41 is found at page 11, line 28 – page 12, line 7.

Support for Claims 42-44 is found in the currently canceled Claims 36-37.

Applicants thank Examiner Chang for the helpful and courteous discussion held with the Applicants' representatives on May 4, 2004. During the discussion, amendments to the claims and support for R³ and R⁴ as hydrogen were discussed.

The rejection of Claims 1, 7-8, 17-19 and 29-40 under 35 U.S.C. §112, first paragraph is respectfully traversed.

As noted above, support for the amended Claim 1 finds explicit, literal support on page 11, lines 10-25.

The Office maintains that the specification is limited to at least one of R³ and R⁴ to be an amino acid residue, and that defining both R³ and R⁴ to be hydrogen would constitute new matter. The Examiner has however acknowledged during the interview that specific examples have both R³ and R⁴ specified as hydrogen. Applicants also point out that at page 11, lines 11-12 of the specification, one embodiment of the invention is described wherein both R³ and R⁴ are hydrogen. Therefore, withdrawal of the rejection is requested.

The rejection of Claims 30-33 under 35 U.S.C. §101 is respectfully traversed.

The claims have been amended to clearly indicate the intended utility of the claimed method. Support for the amendment is found in the original specification (see page 1, lines 9-10). Additionally, in accordance with the Examiner's suggestions, the phrase "modulating" has been replaced with "to down-regulate or inhibit," and is supported in the original specification (see page 5, line 8). Withdrawal of the rejection is respectfully requested.

The rejection of Claims 1, 7-9, 17-19 and 29-40 under 35 U.S.C. §112, second paragraph is respectfully traversed.

The claims have been amended by changing the phrase "sulfonyl amino acid derivative" to "compound" according to the Examiner's suggestions. Withdrawal of the rejection is respectfully requested.

The rejection of Claims 1-8, 17-24 and 26-28 under 35 U.S.C. §102(e) over Thompson (US 6,503,901) or under 35 U.S.C. §102(e)(f)(g) over EP'011 (EP 1,085,011) is respectfully traversed.

The current amendment to Claim 1 obviates the rejection.

Neither Thompson nor EP'011 discloses the compound of formula (I) as claimed in Claim 1. Withdrawal of the rejection is requested.

Applicants submit that the application is now in condition for allowance. Early notification of such allowance is earnestly solicited.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Daniel J. Pereira
Attorney of Record
Registration No. 45,518